

## **REMARKS**

In response to the office action dated September 3, 2004, applicant has amended claim 1, and added new claims 2 – 5. Claims 1 – 5 are currently pending in the application.

Claim 1 has been amended to clarify its language and grammar, and to broaden its scope. Claims 2 – 5 have been added to claim additional specific features of the invention.

Claim 1 was rejected under §102 over Gershman. Such rejection is respectfully traversed.

The Gershman reference is representative of more typical prior art devices. The system ranks content, and selectively displays that content to the user. Content can be ranked on several indicia, representative of the user's preferences and past history.

In contrast, the present method focuses on *context*. Content and context are not similar or related. As set forth in the description, context relates to the specifics of the operating environment, rather than user preferences. Context is described in the specification at page 43, line 2 – page 60, line 24. Examples of context include location, network connectivity status, whether or not the device is being operated on a battery, and whether the display is turned on. These issues are not mentioned or considered in the Gershman reference, nor any of the other references of record.

Further, the claimed method displays streaming content is a special area of the display set aside for streaming content. No consideration of streaming content is made in

Gershman, much less the display of same in a special area of the display. In particular, nothing in Gershman obviates the rating of streaming elements based on environmental (contextual) factors, and the determination of which streaming elements to display based on the results of such determination.

The new claims add additional features that distinguish over Gershman and the other references of record.

For the reasons set forth above, applicant believes that the claims in the application are allowable over the art of record, and respectfully requests reconsideration and allowance thereof in view of the above remarks.

Respectfully submitted,

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Date



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